



**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicants: James Edwin Van Buskirk, et al.

Application No.: 10/575,278

Filing Date: October 8, 2004

Title: Method Apparatus and System for Synthesizing an Audio Performance Using Convolution at Multiple Sample Rates

Group Art Unit: unknown

Examiner: Not Assigned

Customer No.: 27160

Confirmation No.: 3697

**CERTIFICATE OF MAILING**

I hereby certify that this paper is being deposited With the United States Postal Service, with sufficient postage, via first class mail to:  
 Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Signature May Kay Dau  
 Dated: Feb. 27, 2007

**Response to Notice to File Missing Parts**

Mail Stop Missing Parts  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, VA 22313-1450

Sir:

In response to the Notice to File Missing Parts dated November 20, 2006 enclosed are:

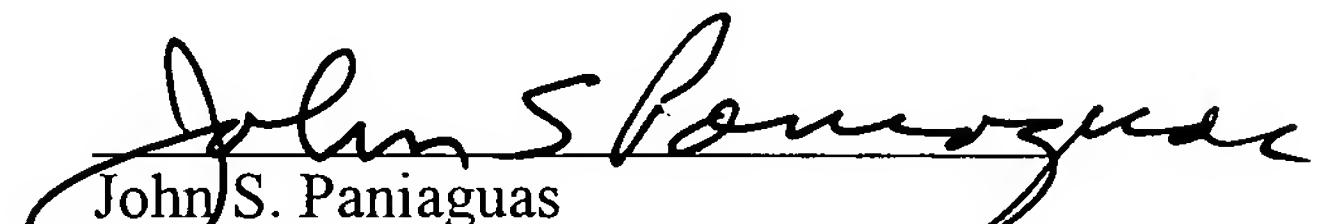
1. (X) A copy of the Notice to File Missing Parts. (*Required*)
2. (X) A executed Declaration for Patent Application
3. (X) Power of Attorney by Assignee of the Entire Interest along with the Certificate Under 37 CFR § 3.73(b).
4. (X) Two (2)-replacement copies of a source code appendix in compliance with 37 CFR 1.821(e) and Transmittal Letter for Compact Disc Submission are attached. Please note that the Notice requires a copy of the "Sequence Listing" computer readable form. Please also note that this application relates to electronics, not DNA. Thus, a sequence listing is not possible. Two compact discs for the source code, along with a directory

listing, were filed with the international application on October 8, 2004, as well as with the U.S. application on April 20, 2006. This was noted on the Notification of Missing Requirements, but incorrectly identified as a "Biochemical Sequence Listing" as being received from the Applicant. However, we are providing replacement copies of the discs as originally filed, together with a copy of our return postcard, evidencing such compliance.

5. (X) The Commissioner is hereby authorized to charge **\$580.00** and any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 50-1214. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-1214. This sheet is filed in triplicate.

Respectfully submitted,

February 27, 2007



John S. Paniaguas  
Registration No. 31,051

KATTEN MUCHIN ROSENMAN LLP  
1025 Thomas Jefferson Street, N. W.  
East Lobby: Suite 700  
Washington, D.C. 20007-5201

03/07/2007 GFREY1 00000065 501214 10575278  
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PCT



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
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U.S. APPLICATION NUMBER NO.

10/575,278

FIRST NAMED APPLICANT

James E. Van Buskirk

ATTY. DOCKET NO.

2814500021245

INTERNATIONAL APPLICATION NO.

PCT/US04/33290

I.A. FILING DATE

10/08/2004

PRIORITY DATE

10/09/2003

Patent Administrator  
 Batten Machin Roseman  
 525 West Monroe Street  
 Chicago, IL 60661

DOCKETED	
CMID	
Action T#	Response Due 11/20/07 6/13/2007
Due/Plan T#	11/20/07 6/13/2007
Atty	BP
Docketed by	Lee 11/5/06

CONFIRMATION NO. 3697  
 371 FORMALITIES LETTER  
  
 \*OC000000021286687\*

Date Mailed: 11/20/2006

## NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 04/10/2006
- Copy of the International Search Report filed on 04/10/2006
- Preliminary Amendments filed on 04/10/2006
- Information Disclosure Statements filed on 08/10/2006
- Biochemical Sequence Listing filed on 04/10/2006
- U.S. Basic National Fees filed on 04/10/2006
- Priority Documents filed on 04/10/2006

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date.
- To avoid abandonment, a surcharge (for late submission of filing fee, search fee, examination fee or oath or declaration) as set forth in 37 CFR 1.492(h) of \$130 for a non-small entity, must be submitted with the missing items identified in this letter.

### SUMMARY OF FEES DUE:

Total additional fees required for this application is **\$130** for a Large Entity:

- **\$130** Surcharge.

- A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 CFR 1.821(e). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing" and a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

Applicant is cautioned that correction of the above items may cause the specification and drawings page count to exceed 100 pages. If the specification and drawings exceed 100 pages, applicant will need to submit the required application size fee.

**For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:**

- **For Rules Interpretation, call (571) 272-0951**
- **For Patentin Software Program Help, call Patent EBC at 1-866-217-9197 or directly at 703-305-3028 / 703-308-6845 between the hours of 6 a.m. and 12 midnight, Monday through Friday, EST.**
- **Send e-mail correspondence for Patentin Software Program Help @ [ebc@uspto.gov](mailto:ebc@uspto.gov)**

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

Registered users of EFS-Web may alternatively submit their reply to this notice via EFS-Web.  
<https://sportal.uspto.gov/authenticate/AuthenticateUserLocalEPF.html>

For more information about EFS-Web please call the USPTO Electronic Business Center at 1-866-217-9197 or visit our website at <http://www.uspto.gov/ebc>.

**If you are not using EFS-Web to submit your reply, you must include a copy of this notice.**

MAMIE P PERSON

Telephone: (703) 308-9140 EXT 227

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/575,278	PCT/US04/33290	28145000212



Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL  
FORM

(to be used for all correspondence after initial filing)

Total Number of Pages in This Submission

Application Number	10/575,278
Filing Date	October 8, 2004
First Named Inventor	James Edwin Van Buskirk
Art Unit	Not Yet Assigned
Examiner Name	Not Yet Assigned

Attorney Docket Number

281450-00212

## ENCLOSURES (Check all that apply)

<input checked="" type="checkbox"/> Fee Transmittal Form	<input type="checkbox"/> Drawing(s)	<input type="checkbox"/> After Allowance Communication to TC
<input type="checkbox"/> Fee Attached	<input type="checkbox"/> Licensing-related Papers	<input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences
<input type="checkbox"/> Amendment/Reply	<input type="checkbox"/> Petition	<input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief)
<input type="checkbox"/> After Final	<input type="checkbox"/> Petition to Convert to a Provisional Application	<input type="checkbox"/> Proprietary Information
<input type="checkbox"/> Affidavits/declaration(s)	<input type="checkbox"/> Power of Attorney, Revocation	<input type="checkbox"/> Status Letter
<input checked="" type="checkbox"/> Extension of Time Request	<input type="checkbox"/> Change of Correspondence Address	<input checked="" type="checkbox"/> Other Enclosure(s) (please identify below):
<input type="checkbox"/> Express Abandonment Request	<input type="checkbox"/> Terminal Disclaimer	<input type="checkbox"/> Transmittal Letter for Compact Disc Submission
<input type="checkbox"/> Information Disclosure Statement	<input type="checkbox"/> Request for Refund	<input type="checkbox"/> Replacement Discs
<input type="checkbox"/> Certified Copy of Priority Document(s)	<input checked="" type="checkbox"/> CD, Number of CD(s) <u>2</u>	<input type="checkbox"/> Executed Power of Attorney
<input checked="" type="checkbox"/> Reply to Missing Parts/ Incomplete Application	<input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> Executed Statement Under 37 CFR 3.73(b)
<input checked="" type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Remarks	

## SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	Katten Muchin Rosenman LLP		
Signature			
Printed name	John S. Paniaguas		
Date	February 27, 2007	Reg. No.	31,051

## CERTIFICATE OF TRANSMISSION/MAILING

I hereby certify that this correspondence is being facsimile transmitted to the USPTO or deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below:

Signature			
Typed or printed name	Mary Kay Darr	Date	February 27, 2007

This collection of information is required by 37 CFR 1.5. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to 2 hours to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.



PATENT

Attorney Docket No. 281450-00212

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant(s): James Edwin Van Buskirk

Serial No.: 10/575,278

Filing Date: October 8, 2004

Title: Method, Apparatus and System for Synthesizing an Audio Performance  
Using Convolution at Multiple Sample Rates

Group Art Unit: Not yet assigned.

Examiner: Not yet assigned.

**TRANSMITTAL LETTER FOR COMPACT DISC SUBMISSION**

Enclosed are two compact discs having identical copies of one computer program listing.

The compact discs are in Read-Only format and are in full compliance with the American Standard Code for Information Interchange (ASCII). The machine format for the compact discs is IBM-PC and the operating system compatibility is Windows. A listing of files contained on the compact discs, including files names, sizes in bytes, and dates of creation is attached hereto.

By:

*John S. Paniaguas*  
John S. Paniaguas  
Reg. No. 31,051

KATTEN MUCHIN ROSENMAN LLP  
1025 Thomas Jefferson Street, N.W.  
East Lobby, Suite 700  
Washington, D.C. 20007-5201  
Telephone: (312) 902-5200  
Facsimile: (312) 902-1061

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UC 15 2003

Applicant(s): TEAC America, Inc.

Date Sent: 10-9-03

Client: TEAC America, Inc.

By: 1st Class Mail

App/Pat/Reg No.: \_\_\_\_\_

Hand-Carried

Filing/Issue Date: \_\_\_\_\_

Other

Docket No.: 281450-00208

✓ U.S. P.O. Express Mail No.:

Attorney: JOHN S. PANIAGUAS

EV 162112455 US

Due Date: \_\_\_\_\_

Title/Mark: EligePress Butt Properties COMPLETE STUDIO

Applicant(s): TEA

Client: TEAC

App/Pat/Reg No.: \_\_\_\_\_

Filing/Issue Date: \_\_\_\_\_

Docket No.: 2814

Attorney: JOHN

Due Date: \_\_\_\_\_

Title/Mark: Elige

The U.S. Patent and

Enclosures (including #)

PROVISIONAL CO

2 CD'S

DRAWINGS (12 pps)

SPECIFICATION (15 pps)

CD TRANSMITTAL LETTER & DIRECTORY LISTING (11 pps)

22582 U.S. PTO  
60/510068

100903

PROVISIONAL COVER SHEET (1 pg)

2 CD'S

DRAWINGS (12 pps)

SPECIFICATION (15 pps)

CD TRANSMITTAL LETTER & DIRECTORY LISTING (11 pps)

		Customer Copy Label 11-F June 2002		
EV 162112455 US		Post Office To Addressee		
ORIGIN (POSTAL USE ONLY)		EXPRESS MAIL UNITED STATES POSTAL SERVICE®		
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Date in Month Year <u>09/09/03</u>	Time in AM/PM <u>5:09</u>	Return Receipt Fee <u>\$</u>	Delivery Attempt Mo. <input type="checkbox"/> Day <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
Weight <u>70</u>	Weight <u>0.22</u>	COD Fee <u>\$</u>	Delivery Attempt Mo. <input type="checkbox"/> Day <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
No Delivery <input type="checkbox"/> Weekday <input checked="" type="checkbox"/> Holiday	Acceptance Period <u>1/1/03 - 12/31/03</u>	Insurance Fee <u>\$</u>	Delivery Date Mo. <input type="checkbox"/> Day <input type="checkbox"/> AM <input type="checkbox"/> PM	Employee Signature
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FROM: RECIPIENT <u>KMZ ROSENMAN</u> 525 W MONROE ST STE 1600 CHICAGO IL 60661-3693 JOHN S. PANIAGUAS				
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